Uttar Pradesh Shasan
Van Avam Vanya Jeev Anubhag-2

The Governor is pleased to order the publication of the following English translation of Notification no. 2903 /14-2-2017-165G/2017, dated 04 December, 2017 for general information.

NOTIFICATION

No. 2903 /14-2-2017-165G/2017

Lucknow, Dated 04 December, 2017

In exercise of the powers under clause (a) of section 51-A of the Indian Forest Act, 1927 (Act no. 16 of 1927), read with section 21 of the General Clauses Act, 1897, (Act no. X of 1897), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978 :-

THE UTTAR PRADESH ESTABLISHMENT AND REGULATION OF SAW MILLS (SIXTH AMENDMENT) RULES, 2017

Short title and Commencement	1 (1) These rules may be called the Uttar Pradesh Establishment and Regulation of Saw Mills (Sixth Amendment) Rules, 2017. (2) They shall extend to the whole of Uttar Pradesh. (3) They shall come into force with effect from the date of their publication in the official *Gazette*.		
General Amendment	2 In the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978, hereinafter referred to as the said rules for the words "Establishment and Regulation of Saw Mills" the words "Wood-Based Industries (Establishment and Regulation)", wherever occurring including heading shall be substituted.		
Amendment of rules 2 to 12	3 In the said rules for rules, 2, 3, 4, 5, 5A, 6, 7, 8, 9, 10, 11, 11A and 12 set out in column-1 below the rules as set out in column-2 shall be *substituted*, namely:-		
	Column-1 ***Existing rules***		**Column-2** ***Rules as hereby substituted***
Definitions	2. In these rules, unless the context otherwise requires :- (a) "Saw mills" means and includes any mechanical devices whether operating with electric power, fuel-power or man power for the purpose of cutting, sawing or converting timber and wood into pieces or the	Definitions	2. (1) In these rules, unless the context otherwise requires :- (a) 'Industrial Estate' means areas notified by the State Government for establishment of Wood Based Industries. (b) 'License' means a license granted under the rules notified by the State in pursuance of these Rules.

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	like acts, but shall not include such mechanical devices whose engine power is up to 3 H.P.* (**Substituted by Notification No. 4219/14-2-98-405(209)96TC II dated 26.06.1998)* (b) 'One unit of saw-mill' shall be taken as equivalent to 25 H.P. engine or any part thereof. (Thus a saw mill using 65 H.P. engines will be deemed as equivalent to 3 units).		(c) 'Principal Chief Conservator of Forests' means a Forest officer of the rank of Principal Chief Conservator of Forests and it also includes an officer designated as a Head of Forest Department in the State. (d) 'Round log' means a piece of wood in its natural form, having mid girth of thirty centimeter or more under bark and it includes such round log even after its bark has been removed or its surface has been dressed, manually or by using a band saw or any other machine or equipment to make its cross section square or near-square for the purpose of ease in its transportation and/or storage. (e) 'Saw Mill', means plants and machinery in a fixed structure or enclosure, for conversion of round logs into sawn timber. (f) 'Sawn timber' means beams, scantlings, planks, battens and such other product obtained from sawing of a round log. (g) 'State Level Committee' means a Committee constituted by the State Government under para 12 (i) of these Rules. (h) 'wood based industry' means any industry which processes wood as its raw material (Saw mills/veneer/plywood or any other form such as sandal, katha wood etc.). (2) Words and expressions used but not defined under these Rules and defined in the Indian Forest Act, 1927 or the relevant local Forest Act as applicable in the State, and the Rules framed there under shall have the meaning assigned to them in such Act or Rules. (3) In case of any dispute regarding interpretation of any word or expression, the decision of the Ministry of Environment, Forest and Climate Change shall be final.
Restriction of Establishment of Saw Mills	3.Within the limits of any reserved or protected forests and within a radius of 80 Kilometers of such limits No person shall establish, erect or operate any saw mill or machinery for converting or cutting timber and wood obtaining a license from the Divisional Forest Officer concerned.* **Substituted by Notification No. 1117/XIV-3-32-73 dated June 6,1990*	Restriction on location of Wood Based Industries	3- (1) In respect of distance from the boundary of nearest notified forests or protected areas, Wood Based Industries shall be allowed to operate as per State-specific order/approval of the Hon'ble Supreme Court/Hon'ble High Court of the concerned state/Central Empowered Committee: or, beyond ten kilometres of aerial distance from the boundary of nearest notified forests or protected areas, excluding roadside/railway side/canal side plantations, whichever is less. (2) A Wood Based Industries can be established in an industrial Estate or a Municipal area, irrespective of the aerial distance from the boundary of nearest notified forest or protected area.

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Application for obtaining license	4. Any person desiring to establish, erect or operate any existing saw mill shall make an application in that behalf to the Divisional Forest Officer concerned for obtaining a license in the form given in the Schedule I appended to these Rules.	Application for obtaining license	4- Any person desiring to establish, erect or operate any wood based industry shall make an application in that behalf to the State Level Committee for obtaining a license in e-format prescribed by the State Level Committee. The application shall be made and disposed off through online system only as developed by U.P. Forest Department on behalf of State Level Committee. No application shall be disposed off manually. This online system shall be developed to facilitate public viewing and tracking status of application and their disposal.
Grant of License	5. On receipt of an application under rule 4, the Divisional Forest Officer shall acknowledge the same and thereafter shall make such enquiries as he may deem fit and after satisfying himself with regard to following factors, grant the license in the form given in Schedule II appended to these Rules:- (i) that the required quantity of timber through legitimate means would be available at the proposed venue of the Saw Mill without causing any damage to the tree growth in the forests under the control of the Government and the adjacent rural areas; (ii) that the applicant has acquired or is in a position to acquire necessary area for erecting and running a saw mill in accordance with the conditions specified in the license; (iii) that the necessary machinery, power etc, is available or is likely to be available to the applicant, (iv) that the applicant has obtained a "No objection Certificate" from the District Magistrate concerned for erecting and running the saw mill, In case the Divisional Forest Officer is not satisfied he may reject the application.	Grant of License	5- On receipt of an application under rule 4, the State Level Committee shall acknowledge the same and thereafter shall make such enquiries as it may deem fit and after satisfying itself State Level Committee shall approve the license. After approval from the State Level Committee the Divisional Forest Officer shall grant the license, in the format prescribed by the State Level Committee, through online system only. In case, the State Level Committee is not satisfied, it may reject the application. The applicant must have facility to track status of the application thereof and recieve the license or rejection through online system only.

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Re-location of Saw Mills.	5A- The Principal Chief Conservator of Forests, Uttar Pradesh, on an application and after such inquiry as he deems fit, may order for Re-location of an existing Saw mill from one place to another within the State.	Re-location of Wood Based Industries	5A- Any person desiring to relocate any wood based industry shall give an application to the Divisional Forest Officer or equivalent officer concerned in regard to re-location. Divisional Forest Officer or equivalent officer as the case may be on the receipt of an application shall give his comments to Conservator of Forests/ Zonal Chief Conservator of Forests who may submit the application along with his comments to the State Level Committee, which may enquire, or if it deems right may allow re-location of wood based industry from one place to another.
Period of validity of license	6 – Every license granted under rule 5 or renewed under rule 7 shall remain valid for such period not exceeding five year from the date of issue or renewal as may be specified in the license. Provided that in case of a license referred to in the proviso to rule 5 or rule 7 the period of validity shall be five year.	Period of validity of license	6- Any Wood Based Industries license granted shall remain valid for such period not exceeding five year from the date of issue or renewal as may be specified in the license.
Renewal of license	7- On the application made to the Divisional Forest Officer concerned for renewal of the license granted under rule 5, he may renew the same indicating thereon the period for which it has been renewed. The renewed application for license shall be disposed off within sixty days of its receipt. Provided that in case the application is not disposed off within sixty days, from the date of the receipt of the application by the Divisional Forest Officer, the license shall be deemed to have been renewed for a period of three years: Provided further that aforesaid proviso shall not apply to saw mills situated within ten kilometers of any existing forest. ***Explanation-*** In this rule existing forest shall not include trees situated on either side of the roads and the railway tracks. Failure to get the license renewed before the expiry of date, will make the licensee liable to punishment in accordance with Section 77 of the Indian Forest Act, 1927 for operating the saw mill without license.	Grant or renewal of a license to a wood based industry	7- No license to a wood based industry shall be granted or renewed without obtaining prior approval of the State Level Committee. However, a State Level Committee may delegate the power of renewal of license to a wood based industry to the Divisional Forest Officers of the concerned Forest Divisions. The renewal of license shall be done through online system only.

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<tr><td>Revocation of the license</td><td>8-Notwithstanding anything contained in the foregoing Rules, the Divisional Forest Officer concerned may, where he has reason to believe that a licensee is operating the saw mill in contravention of the provisions of these Rules or conditions of license or the licensee is involved in activities prejudicial to the interests of forest conservancy at any time, after giving revoke the license granted under rule 5 or renewed under rule 7.</td><td>Revocation of the liense</td><td>8- Notwithstanding anything contained in the foregoing Rules, the Divisional Forest Officer concerned may, where he has reason to believe that a licensee is operating wood based industry in contravention of the provisions of these Rules or conditions of license or the licensee is involved in activities prejudicial to the interests of forest conservancy at any time, revoke the license granted after giving one month notice.</td></tr>
<tr><td>Procedure of renewal non-renewal or revocation of license</td><td>9- Where the concerned Divisional Forest Officer refuses to issue or renew the license, he shall send intimation thereof to the applicant or the holder of the license, as the case may be giving reasons therefore.</td><td></td><td>-</td></tr>
<tr><td>Appeal against refusal to issue or renew or revoke license</td><td>10- Any person aggrieved by an order of the Divisional Forest Officer under rule 9, may within 30 days of the service of the order on him, appeal to the concerned Conservator of Forests. The Conservator of forest there upon shall decide the appeal after giving the Divisional Forest Officer and or appellant, an opportunity of being heard. The decision of the Conservator of Forest on such appeal shall be final.</td><td>Appeal against revocation of license</td><td>9- Any person aggrieved by an order of the Divisional Forest Officer under rule 8, may within 30 days of the service of the order on him, appeal to the concerned Conservator of Forests/Zonal Chief Conservator of Forests. The Conservator of Forests/Zonal Chief Conservator of Forests there upon shall decide the appeal after giving the Divisional Forest Officer and or appellant, an opportunity of being heard. The decision of the Conservator of Forests/Zonal Chief Conservator of Forests on such appeal shall be final.</td></tr>
<tr><td>Fees for grant and renewal of license</td><td>11- Fees for grant and renewal of license- An annual fee for grant or renewal of licenses per unit shall be payable by the applicants/ licensees as below:-
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<tr><th>Unit</th><th>Annual fee</th></tr>
<tr><td>Saw Mill</td><td>Rs. 25,000/-per unit</td></tr>
<tr><td>Veneer</td><td>Rs. 25,000/-per unit</td></tr>
<tr><td>Plywood</td><td>Rs. 50,000/-per unit</td></tr>
<tr><td>Veneer & Plywood</td><td>Rs. 75,000/-per unit</td></tr>
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A relocation fee per unit for transfer of saw mill/veneer/plywood unit shall be payable by the applicants/ licensees as below:-
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<tr><th>Propose relocated site</th><th>Fee</th></tr>
<tr><td>Rural area</td><td>Rs. 50,000/-</td></tr>
<tr><td>District Headquarter</td><td>Rs. 1,00,000</td></tr>
<tr><td>Commissionery Headquarter</td><td>Rs. 2,00,000</td></tr>
<tr><td>Mahanagar area</td><td>Rs. 5,00,000</td></tr>
</table></td><td>Fees for grant and renewal of license</td><td>10- Annual fees for applicants/license holder shall be paid by them as per decisions taken by State Level Committee from time to time. The fees shall be deposited online only.</td></tr>
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<td>Power of exempt from the provision and Rules</td>
<td>11A. Where the State Government is satisfied that the operation of the timber based industries, such as, Plywood Mill, Veneer Mill, Katha industries, Paper and Pulp industries and Cooling towers manufacturing industries and like industries whose final product is not timber and also the machinery used as saw mills are integral parts of their production process, is not possible due to application of all or any of the provisions of these rules, the State Government may, by notifications, for reasons to be recorded, exempt such industries from the operation of such rules subject to such conditions, as it may deem fit, for the conservation of the tree-growth in the forests under the control of the Government and in the areas adjacent thereto.</td>
<td>Constitution of the State Level Committee.</td>
<td>11-
(1) State Level Committee shall consist of the following members-
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<tr><td>a</td><td>Principal Chief Conservator of Forests/Head of Forest Department</td><td>Chairperson</td></tr>
<tr><td>b</td><td>A representative of the Regional Office of the Ministry of Environment, Forest and Climate Change,</td><td>Member</td></tr>
<tr><td>c</td><td>A representative of the State Forest Department not below the rank of a Conservator of Forests dealing with preparation of Working Plans/Working Schemes Member</td><td>Member</td></tr>
<tr><td>d</td><td>Director/Additional Director of Department of Industries</td><td>Member</td></tr>
<tr><td>e</td><td>Representative of the Forest Development Corporation.</td><td>Member</td></tr>
<tr><td>f</td><td>An officer not below the rank of Conservator of Forests working in the Forest Head Quarters.</td><td>Member Secretary</td></tr>
</table>
(2) The State Level Committee may co-opt an officer from Territorial wing of the Forest Department not below the rank of Conservator of Forest and officers from Department of Agriculture and Department of Revenue of the State Government.
(3) The State Level Committee shall meet at least once in three months.
(4) The quorum of the State Level Committee meeting shall be at least fifty percent of these members.
(5) State Level Committee will invite one representative of the industry nominated by the saw-mill association as a special invitee to every meeting of the State Level Committee.</td>
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Savings	12- Nothing contained in these Rules shall apply to the ordinary operations of domestic carpentry or to other similar works on small–scale.	Powers and functions of the State Level Committee	12- The State Level Committee State Level Committee shall:- (a) assess the availability of timber in the State by way of appropriate study in demand and supply as and when it decide. State Level Committee shall devise suitable mechanism for sustainable use of timber in a way that does not affect the forests of the area adversely; (b) approve the names of Wood Based Industries which may be considered for grant of fresh license or enhancement of the existing licensed capacity in case the State Level Committee is satisfied that timber is available legally for the said new Wood Based Industries (such as Trees outside forest, Forests etc.); (c) ensure that the amount lying with the respective State Forest Department (recovered from Wood Based Industries) is utilized for the purpose of afforestation only; (d) examine and make appropriate recommendations or any other matter referred to by the State Government to the Ministry of Environment, Forest and Climate Change.
-	-	Appeal against the decision of the State Level Committee	13 (1) Any person aggrieved by the decision taken by the State Level Committee may file an appeal before the concerned Regional Office of the Central Government in the Ministry of Environment, Forest and Climate Change seeking appropriate relief within 60 days. (2) Head of Regional Office shall within 60 days of filing the appeal pass appropriate order. (3) If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/ appeal in the High Court.
-	-	Records to be maintained by Wood Based Industries.	14- Each wood based industry shall maintain and regularly update records as prescribed by State Level Committee.

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		Savings	15- Industries/processing plants not using round logs of domestic origin or operating without a band saw or re-saw or circular saw of more than thirty centimeter diameter shall not require license. (a) Sawn timber, cane, bamboo, reed, plywood, veneers or imported wood, procured for legitimate sources. (b) Block board, MDF or similar wood-based products, procured from legitimate sources. (c) Round log/timber form species declared as agro-forestry/agricultural crops and/or exempted from the purview of the felling and transit regime in the State, and procured form legitimate sources. However, State Level Committee of the State may allow installation of circular saw of diameter upto 60 centimeter in such industries having specialized requirement. Such industries shall be registered with the Forest Department of the State and shall be regulated, details of which are to be prescribed by the State. Transfer of license on sale/succession etc shall be done only with the approval of State Level Committee.

By Order,

(Renuka Kumar)
Principal Secretary

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